

**FIFTY-THIRD DAY**

(Friday, April 6, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

Aikin	Mauritz
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Knight	Vick
Lane	Weinert
Lanning	York
Martin	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senators Metcalfe, Kelley, Spears, Winfield and Stanford were granted leaves of absence for today on account of important business on motion of Senator Lane.

Senator Taylor was granted leave of absence for today on account of important business on motion of Senator Aikin.

**Reports of Standing Committees**

Senator Carney submitted the following report:

Austin, Texas,  
April 5, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 313, have considered the same, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,  
April 5, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Crim-

inal Jurisprudence, to whom was referred S. B. No. 232, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 5, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 231, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

**Senate Resolution 56**

(Concert by Beaumont Melody Maids)

Senator Shivers offered the following resolution:

Whereas, The Beaumont Melody Maids, an organization of fifty girl singers from Beaumont, Texas, will be in this part of the State to render programs at Camp Swift Hospital and at Bergstrom Field during the week of April 23, 1945; and

Whereas, The Beaumont Melody Maids will visit the City of Austin and the Capitol on the morning of April 23, 1945; and

Whereas, This musical organization, by its distinguished performances, has merited the praise of musical critics throughout the State; and

Whereas, It would greatly heighten the enjoyment of this Session of the Legislature, and enrich the musical appreciation of all listeners; now therefore, be it

Resolved, by the Senate of Texas, that the Beaumont Melody Maids of Beaumont, Texas, be invited to appear in concert before the Senate of Texas at 11:00 a. m., on Monday morning, April 23, 1945, in the Senate Chamber; and, be it further

Resolved, That a copy of the resolution be forwarded to the Director of the Choir, thus extending a formal invitation for such an appearance.

The resolution was read and was adopted.

**Senate Bill 126 with House Amendments**

Senator Weinert called S. B. No.

126 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Weinert moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Mauritz
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Knight	Vick
Lane	Weinert
Lanning	York
Martin	

## Absent—Excused

Kelley	Stanford
Metcalf	Taylor
Spears	Winfield

## Senate Bill 116 with House Amendments

Senator Hazlewood called S. B. No. 116 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hazlewood moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

## Yeas—22

Aikin	Mauritz
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Martin	York

## Present Not Voting

Knight

## Absent

Lanning Moore

## Absent—Excused

Kelley	Stanford
Metcalf	Winfield
Spears	Taylor

## Senate Bill 55 with House Amendments

Senator Vick called S. B. No. 55 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Vick moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

## Yeas—21

Aikin	Mauritz
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Shivers
Crawford	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Knight	York
Martin	

## Nays—1

Lane

## Absent

Lanning Ramsey  
Moore

## Absent—Excused

Kelley	Spears
Metcalf	Stanford
Taylor	Winfield

## Senate Bill 314 on First Reading

Senator Mauritz moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Mauritz
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Knight	Vick
Lane	Weinert
Lanning	York
Martin	

## Absent—Excused

Kelley	Spears
Metcalfe	Stanford
Taylor	Winfield

The following bill then was introduced, read first time and referred to the Committee on Civil Jurisprudence:

By Senator Mauritz:

S. B. No. 314, A bill to be entitled "An Act to amend H. B. No. 668, Chapter 313, Acts of 1935, 44th Legislature, Regular Session, (listed as Art. 1351a, V.A.C.S.), by adding a new Section thereto, immediately following Section 2 thereof to be known as Section 2-a providing for injunctive relief in addition to other remedies provided in said chapter; and declaring an emergency."

## Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 6, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 39, A bill to be entitled "An Act to amend Title 32, Chapter 2, Acts of the 40th Legislature of 1927, Chapter 275, page 414, known as Article 1303b, Revised Civil Statutes of 1925, as amended, to authorize the creation of private corporations for all the purposes set forth in said Article 1303b, and, in addition to authorize the creation of private corporations for the purpose of acting as Trustees under any lawful express trust which has been or may be committed to it by contract of will; and declaring an emergency."

S. B. No. 55, A bill to be entitled

"An Act amending Article 2943 of the Revised Civil Statutes of Texas, 1925, by increasing the pay of election Judges and Clerks, and declaring an emergency."

(With amendments.)

S. B. No. 123, a bill to be entitled "An Act to amend Subsection 1 of Section 1 of Senate Bill No. 209, Chapter 220, Acts of the Forty-third Legislature, Regular Session, 1933, so as to provide for the fixing of the amount of fees to be retained by precinct, county, and district officer; to amend Subsection 1 of Section 3 of Senate Bill 209, Chapter 220, Acts of the Forty-third Legislature, Regular Session, 1933, so as to provide for the appointment and compensation of deputies; providing a saving clause; and declaring an emergency."

(With amendments.)

S. B. No. 161, A bill to be entitled "An Act amending Title 61, Article 3883 of the Revised Statutes of the State of Texas, providing for the maximum compensation of County officials in any County where the population is not less than ten thousand two hundred and fifty (10,250) inhabitants, nor more than ten thousand three hundred and fifty (10,350) inceding Federal census, and which has habitants, according to the last pre-a tax valuation of not less than Thirteen Million One Hundred Thousand (\$13,100,000.00) Dollars, according to the last approved tax roll; and declaring an emergency."

S. B. No. 8, A bill to be entitled "An Act amending Subsection 1 of Section 30 of Senate Bill No. 111, Chapter 61, Page 100 of the General Laws passed by the Second Called Session of the Forty-first Legislature, as thereafter amended, providing that the name assumed by the association shall not be the name assumed by any other association incorporated under this law, nor so similar to be liable to mislead; providing that the name assumed by the association, hereafter chartered shall contain the words "building and loan association" or "savings and loan association," or "savings association" or "savings institution"; and providing that associations heretofore chartered may; by amendment to their charter, change the name of their association so as to provide for such terminology; and declaring an emergency."

S. B. No. 126, A bill to be entitled "An Act to amend Section 2, Section 3, Subsection F of Section 7, Section 12, Section 14, Subsection G, Subsection H and Subsection L of Section 25, Section 26, Section 33, Subsection B of Section 35, Section 42, and Section 46 of Senate Bill No. 251, Acts of 1943, 48th Legislature, p. 232, Ch. 148, so as to define "Trust" for the purposes of the Texas Trust Act, to specify the purpose for which a trust may be created and the capacities to create a trust, to correct clerical errors in the Texas Trust Act as originally enacted, to authorize corporate trustees to exercise stock rights and to retain shares so acquired, to specify the authority of trustees with respect to oil, gas and mineral properties, to govern the giving of bonds by trustees, to provide the methods of allocating principles and income and apportioning expenses between tenants and remaindermen, to provide that such methods shall apply only in cases wherein an express trust has been created, to specify the powers, duties and responsibilities of trustees in investment of trust funds; and declaring an emergency."

(With amendments.)

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

#### Bill Signed

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, the following bill:

S. B. No. 78, To amend Article 2, Section 2, House Bill No. 176, Acts of the 48th Legislature relative to filing date of applications; repealing all laws and parts of laws in conflict herewith; and declaring an emergency; with amendments.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 6, 1945.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 14, A bill to be entitled "An Act to amend Section of Chapter 10, Acts of 1935, 44th Legislature, as amended, so as to make Collin County eligible to the provisions of said Section; and declaring an emergency."

H. B. No. 43, A bill to be entitled

"An Act to supplement and modify statutes of Texas governing Probate of Wills by adding as Section No. 5 to Article No. 3344, Revised Civil Statutes, the following:

H. B. No. 98, A bill to be entitled "An Act to amend Article 26, Title 1, of the Revised Civil Statutes of Texas of 1925, so as to allow oaths, affidavits or affirmations of members of the Armed Forces of the United States or the Auxiliaries thereof outside of the United States to be administered by any commissioned officer in the Armed Forces of the United States of America, in the Auxiliaries thereto, or by any commissioned officer in the Armed Force Reserve of the United States of America or any Auxiliary thereto; and declaring an emergency."

H. B. No. 152, A bill to be entitled "An Act amending Article 3902, Revised Civil Statutes of 1925, as amended by Chapter 465, Acts of the Second Called Session of the 44th Legislature and as amended by Chapter 290, Acts of the Regular Session of the 45th Legislature, fixing the maximum compensation to be paid deputies, assistants and clerks, by changing, revising and amending Section 4, so that same shall hereafter read and provide as follows: That in all counties having a population of 60,000 and not more than 100,000 inhabitants according to the preceding Federal Census, first assistants or chief deputies salaries shall be fixed by the Commissioners Court at not to exceed \$2750.00 per annum, other assistants, deputies or clerks not to exceed \$2400.00 per annum each."

H. B. No. 170, A bill to be entitled "An Act to amend Section 1 of Senate No. 496, Chapter 168, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Section 1 of House Bill No. 153, Chapter 71, Acts of the Second Called Session of the Forty-fifth Legislature, as amended by House Bill No. 1098, Chapter 614, page 1352, Acts of the Forty-seventh Legislature, so as to authorize any city of more than five thousand (5,000) population, according to the last Federal Census, whether incorporated under General or Special Law, to codify and adopt a code of civil and criminal ordinances without the necessity of publication; providing for the taking effect of said code upon adoption; providing said code shall have the force

and effect of an ordinance regularly enacted; and declaring an emergency."

H. B. No. 231, A bill to be entitled "An Act to amend Chapter 183 of the General and Special Laws of the Regular Session of the 48th Legislature by adding a new section to be numbered 2-a, providing that it shall be lawful to trap beaver in Maverick County; and to sell the pelts of same; repealing conflicting laws; and declaring an emergency."

H. B. No. 232, A bill to be entitled "An Act amending House Bill No. 954 of the Forty-seventh Legislature amending House Bill No. 884 of the Forty-sixth Legislature as amended by House Bill No. 1109 of the Forty-sixth Legislature so as to add in Section 1a thereof the County of

H. B. No. 257, A bill to be entitled "An Act to fix a maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town, according to the latest preceding Federal Census, with a population of not fewer than Three Thousand Eleven (3,011) and not more than Three Thousand Seventy (3,070) inhabitants, whether organized under a General or Special Law; providing for election authorizing tax rate; repealing all laws conflicting herewith; and declaring an emergency."

H. B. No. 265, A bill to be entitled "An Act providing for a closed season or period of time when it shall be unlawful to take bullfrogs from any of the public waters of this State; providing that it shall be unlawful to sell bull frogs in any portion of the State of Texas during said closed season; providing a penalty for violation of any provision of this Act; repealing conflicting laws; and declaring an emergency."

H. B. No. 331, A bill to be entitled "An Act to amend Article 5139 of the Revised Civil Statutes of Texas 1925, so as to provide for County Juvenile Boards in counties having a population more than 80,000 and less than 100,000 inhabitants; providing for additional salaries for their members; repealing Chapter 1, page 853, Acts of the 46th Legislature, Regular Session, 1939; repealing Chapter 349, page 552, Acts of the 47th Legislature, Regular Ses-

sion, 1941; and declaring an emergency."

H. B. No. 215, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1945, and ending August 31, 1947; requiring certain fees be paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions repealing the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the validity of any portion of this Act shall not affect any other portion; and declaring an emergency."

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Bill 86 on Second Reading

The President pro tempore laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 86, A bill to be entitled "An Act amending Sections 13 and 26 of Chapter 184, Article XVII, Acts of the Regular Session of the 47th Legislature, as amended by Chapter 298, Acts of the Regular Session of the 48th Legislature, to provide exemption from tax on motor fuel used for certain non-highway purposes; defining terms used herein; limiting tax exempt purchases of motor fuel, or appropriations for use, to quantities of not less than thirty (30) gallons; providing for licenses for persons selling tax exempt motor fuel or appropriating it for use; fixing limitation periods and fees for said licenses; describing the information to be contained in or furnished with applications for such licenses and for the renewal thereof; making said licenses revocable under certain conditions; making it unlawful to perform any act requiring valid license without possession thereof; requiring exemption dealers to furnish deposit conditioned upon responsibility for invoices of exemption; relating to the refund of said deposits; providing for invoices of exemption for use in the sale of tax exempt motor fuel, or the appropriation for use thereof; providing for the issuance of books of invoices of exemption printed in triplicate and the control thereof; describing the information to be con-

tained in invoices of exemption and their use and disposition; authorizing distributors to accept invoices of exemption for credit of or refund to dealers handling distributors' products and take credit on subsequent monthly report; describing information relating to tax exempt motor fuel to be reported by distributors;

The bill was read second time.

Senator Parrish offered the following amendment to the bill:

Amend Senate Bill 86 by inserting the letter "(j)" at the beginning of the second paragraph on page 7, line 14 of the printed bill.

The amendment was adopted.

Senator Parrish offered the following amendment to the bill:

Amend Senate Bill No. 86, by striking out all of the first paragraph of Subsection (i) of the amended Section 13, as said paragraph appears in lines 4 to 23, inclusive, on page 6 of the printed bill, and inserting in lieu thereof the following:

"(i) All motor fuel sold or used for tax exempt purposes in Texas, except that sold for use in aircraft, domestic cleaning, dyeing or for culinary, household or laboratory purposes or for use in manufacturing paints, rubber products and like commodities or for one or more of the purposes provided in Section 5(a) of this Article, shall be made distinguishable from other motor fuels sold or used in Texas by mixing said tax exempt motor fuel with coloring, chemicals, or dyes, to be designated by the Comptroller, in a manner that will enable the Comptroller or his authorized representatives to distinguish said motor fuel from all other motor fuel sold for taxable uses in Texas, and every exemption dealer shall, before making delivery of any such tax exempt motor fuel in Texas, mix or compound sufficient coloring, chemicals, or dyes with said motor fuel to produce the distinctive coloring or other identification designated by the Comptroller. It shall be unlawful for any exemption dealer, or any person, to sell, deliver or use motor fuel in Texas for any tax exempt purpose, except as authorized hereinabove, until said motor fuel has been mixed or compounded with the coloring, chemicals, or dyes designated by the Comptroller, and it shall be unlawful for any distributor, dealer,

or other person to compound or mix the coloring, chemicals, or dyes designated by the Comptroller with motor fuel or other products to be sold or used for any taxable purpose in Texas. Tax exempt motor fuel which is not required herein to be mixed with coloring, chemicals or dyes, may be sold or appropriated for use, and invoices of exemption issued therefor, in quantities of one (1) gallon or more.'

The amendment was adopted by the following vote:

Yeas—17

Aikin	Mauritz
Brown	Moffett
Bullock	Moore
Chadick	Parrish
Crawford	Stone
Graves	Sulak
Jones	Vick
Lane	York
Martin	

Nays—7

Carney	Ramsey
Hazlewood	Shivers
Knight	Weinert
Morris	

Absent

Lanning

Absent—Excused

Kelley	Stanford
Metcalfe	Taylor
Spears	Winfield

Senator Parrish offered the following amendment to the bill:

Amend Senate Bill No. 86, by adding to Section 3 on page 10, line 20, of the printed bill a new sentence to become a part of the said Section 3, which shall read as follows:

"Provided further, that all refunds which may be due and unpaid when this Act becomes effective for taxes paid upon motor fuel used, or purchased for use, prior to said effective date for any of the purposes for which refund of said tax was then authorized by law, are hereby declared to be legal and valid obligations of the State of Texas, and all valid claims filed with the Comptroller for the refund of such taxes shall be paid from the fund set aside for such purpose, in the manner and subject to the conditions and limitations provided in the law as it existed prior to

this amendment, and, if an appropriation is necessary, then the fund set aside and existing for the payment of refund claims when this Act becomes effective, or so much thereof as is necessary to pay said claim, shall be and the same is hereby appropriated for such purpose."

The amendment was adopted.

Senator Parrish offered the following amendment to the bill:

Amend Senate Bill No. 86 by striking out the words "an exemption permit or" as they appear in consecutive order in line 22 on page 4 of the printed bill and by striking out the words "permit or" as they appear in line 25 on page 4 of said printed bill.

The amendment was adopted.

Senator Knight offered the following amendment to the bill:

Amend S. B. No. 86 at end of paragraph "h," line 3, page 6, add a new sentence to read: "It shall not hereafter be considered exempt for tax purposes, gasoline for aviation use, and it is expressly herein levied a tax of 4 cents per gallon on said aviation gasoline; the revenue therefrom to be placed in the general fund." Strike out the word aviation in line 5, page 6.

Senator Moore raised a point of order on consideration of the amendment on the ground that it changes the original purpose of the bill and that it proposes a change in the bill that would make it a revenue raising measure that may not originate in the Senate.

The President pro tempore sustained the point of order.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 86, page 2 by striking out the words and figures \$10.00 in lines 46 and 47 and insert in lieu thereof \$1.00.

The amendment was adopted.

Senator Knight offered the following amendment to the bill:

Amend Senate Bill No. 86, page 2, line 26, by striking out the word "or aircraft."

Senator Moore raised a point of order on consideration of the amendment, on the ground that it changes the original purpose of the bill and that it proposes a change in the bill

that would make it a revenue-raising measure that may not originate in the Senate.

The President pro tempore overruled the point of order.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

#### Yeas—15

Carney	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Sulak
Knight	Vick
Lane	Weinert
Martin	York
Mauritz	

#### Nays—8

Aikin	Moffett
Brown	Moore
Bullock	Parrish
Crawford	Stone

#### Absent

Jones	Lanning
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#### Absent—Excused

Kelley	Stanford
Metcalf	Taylor
Spears	Winfield

Senator Martin offered the following amendment to the bill:

Amend Senate Bill 86 by adding at the end of Sub-section N. Sec. 1 of said bill the following: "with the further provision that said appeal may be taken to the District Court of Travis county or to the District Court of the residence of the person taking the appeal."

The amendment was adopted.

Senator York offered the following amendment to the bill:

Amend Senate Bill No. 86 by striking out the word "aircraft" where it appears in the bill.

Senator Aikin moved to table the amendment.

The motion prevailed by the following vote:

#### Yeas—13

Aikin	Crawford
Brown	Graves
Bullock	Jones
Chadick	Lanning

Martin  
Moffett  
Moore

Parrish  
Stone

#### Nays—12

Carney  
Hazlewood  
Knight  
Lane  
Mauritz  
Morris

Ramsey  
Shivers  
Sulak  
Vick  
Weinert  
York

#### Absent—Excused

Kelley  
Metcalf  
Spears

Stanford  
Taylor  
Winfield

On motion of Senator Parrish and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

Senate Bill No. 86 was passed to engrossment.

#### Senate Bill 123 with House Amendment

Senator Brown called S. B. No. 123 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Brown moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President pro tempore announced the appointment of the following conferees on the bill on the part of the Senate: Senators Brown, Lane, Chadick, Carney and Morris.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 6, 1945.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 349, A bill to be entitled "An Act creating an open and a closed season on certain animals in Harrison County and making it lawful to possess the pelts thereof; providing certain exception; making it unlawful to take or kill certain animals in Harrison County by trap,

snare or deadfall; providing an open season on squirrels; prescribing a penalty; providing for the repeal of existing laws or statutes; and declaring an emergency."

H. B. No. 351, A bill to be entitled "An Act providing an open season when it shall be lawful to hunt, take or kill squirrels in Polk and Trinity Counties; providing penalties; and repealing laws in conflict."

H. B. No. 378, A bill to be entitled "An Act making it unlawful to kill or take wild deer or to have in possession wild deer killed or caught in Erath County for a period of five (5) years; prescribing penalty for violation of this Act; and declaring an emergency."

H. B. No. 385, A bill to be entitled "An Act providing for traveling expenses of county commissioners of certain counties; repealing laws in conflict; and declaring an emergency."

H. B. No. 401, A bill to be entitled "An Act providing for an open season when it shall be lawful to hunt, take or kill squirrel in Anegline, Cherokee, Hardin, Jasper, Jefferson, Liberty, Newton, Orange, Polk, Sabine, San Augustine, Nacogdoches, Shelby, Trinity, Tyler Counties, Texas; fixing a penalty for the violation thereof; repealing all laws in conflict and declaring an emergency."

H. B. No. 405, A bill to be entitled "An Act repealing all local or special laws governing the taking or trapping of wild fox in Fannin County, in so far as they apply to Fannin County; and declaring an emergency."

H. B. No. 427, A bill to be entitled "An Act creating a closed season upon wild deer, buck, doe, or fawn for a period of five years in San Augustine and Sabine counties, in the State of Texas; making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill by any means whatsoever, any wild deer, buck, doe, or fawn within said counties for a period of five years; providing a penalty therefor; repealing all laws in conflict; and declaring an emergency."

H. B. No. 433, A bill to be entitled "An Act to make it unlawful to take or kill wild quail or doves of any species for a period of three years in Garza County, Texas; fixing penalty;



providing a rule of evidence; and declaring an emergency."

H. B. No. 436, A bill to be entitled "An Act fixing the length of the terms of the 99th District Court in and for Lubbock County, Texas, and the time of holding the terms of said 99th District Court, validating and continuing all processes issued or served before this Act takes effect, including recognizance and bonds and making them returnable to the terms of the Court in said County, and to validate the summonings of grand and petit juries under present law so as to render them available in said county under this Act providing for the holding and closing of the terms of Court in session at the time that this Act takes effect, and declaring an emergency."

H. B. No. 488, A bill to be entitled "Any Act fixing the salary of the official Court Reporter in all Judicial Districts composed of four, or more, counties; providing method of payment of salary, expenses and other compensation, providing for the apportionment of the payment of such salary, expenses and other compensation among the counties composing each of said Judicial Districts; providing that if any section, paragraph, sentence, clause, phrase, or any part of this Act be invalid, such invalidity shall not affect the remainder thereof; repealing all laws and parts of laws in conflict to the extent of such conflict only; and declaring an emergency."

H. B. No. 499, A bill to be entitled "An Act to amend Section 1 of Article 1036 of the Code of Criminal Procedure, 1925 revision, as amended, relating to witness fees in criminal cases; and declaring an emergency."

H. B. No. 502, A bill to be entitled "An Act amending Section 12 of Article 4732 of the Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 166, Chapter 364, Acts 48th Legislature, Regular Session, 1943, page 639, making the Act cumulative; repealing all laws and part of laws in conflict herewith, and declaring an emergency."

H. B. No. 507, A bill to be entitled "An Act fixing the salaries of assistant county attorneys and clerk-stenographers in counties of one hundred

thousand or less, and containing a city of sixty thousand or more, and declaring an emergency."

H. B. No. 510, A bill to be entitled "An Act to amend Section 1 of Chapter 49, Acts of the 43rd Legislature, Regular Session, 1943; and declaring an emergency."

H. B. No. 542, A bill to be entitled "An Act to amend House Bill No. 225, Chapter 61 of the Acts of the Regular Session of the 47th Legislature so that same shall read and provide as hereafter shown, that is, as the same now reads with the provision authorizing the appointment and employment of a 'Night Chief Deputy' in addition to the first assistant or chief deputy now authorized in the Sheriff's official in all counties having a population of Three Hundred Ninety-five Thousand (395,000) inhabitants or more, according to the last preceding Federal Census, fixing the salary, the method and manner of making the appointment and employment, requiring Two (2) years prior service as deputy sheriff as a prerequisite to the appointment; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 586, A bill to be entitled "An Act amending Chapter 328, General Laws of the State of Texas, of the regular session of the 44th Legislature, by re-writing Section 9-a, to require commercial motor vehicles to carry warning signal equipment, adding red reflect reflectors for use as such, and declaring an emergency."

H. B. No. 611, A bill to be entitled "An Act making it unlawful to kill, take or attempt to take wild deer or wild turkey in the counties of Red River and Lamar for a period of three (3) years; providing a penalty; repealing conflicting laws; and declaring an emergency."

H. B. No. 614, A bill to be entitled "An Act to permit any county containing a population of not less than three thousand seven hundred and twenty (3,720) nor more than three thousand eight hundred and fifteen (3,815) according to the last preceding Federal Census, or any future Federal Census, to adopt by a majority vote of qualified voters of such county a county unit system to the extent provided in this Act;

making provisions for the formation of a county-side school district therein; making provision for holding election in each such county on the question of the adoption of the provisions of this Act; making provision for holding election in each such county to determine whether an equalization tax not to exceed twenty-five (25) cents on the one hundred dollars valuation of property shall be levied and collected annually on all taxable property in the county, such tax to be distributed to the school districts of the county as herein provided; making provision for the assessment and collection tax, and prescribing the duties of the County Tax Assessor and Collector and County Superintendent; prescribing the duties of the County Board of School Trustees with respect to such tax and the funds derived therefrom; providing for the making of bond by the Tax Collector; providing that all rights, duties and powers of the several common and independent school districts in any such county shall remain undisturbed and shall not be affected, except as expressly provided in this Act; providing a saving clause; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 615, A bill to be entitled "An Act fixing the maximum rate of tax to be levied for school purposes in all county line independent school districts embracing parts of two or more counties, whether organized under general or special laws, and which, according to the last preceding approved original Scholastic Census, had a scholastic population of not less than seven hundred (700) and not more than twelve hundred (1,200) scholastics, and located in counties with a population of not less than five thousand (5,000) and not more than twelve thousand (12,000) inhabitants according to the last preceding Federal Census; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 620, A bill to be entitled "An Act assessing a fine and jail sentence for attempting to tamper with any part of an automobile or tire; and declaring an emergency."

H. B. No. 632, A bill to be entitled "An Act to make it unlawful to take or kill wild quail or doves of any

species for a period of five years in Borden County, Texas; fixing penalty; providing a rule of evidence; and declaring an emergency."

H. B. No. 639, A bill to be entitled "An Act prohibiting the use of a gig or spear for catching or taking fish in Caddo Lake in Harrison County, Texas, providing a bag limit for brema and goggle-eye fish taken from Caddo Lake in Harrison County; removing the bag limit on blue catfish, channel catfish and yellow catfish taken from Caddo Lake in Harrison County; providing a penalty; providing a saving clause; and declaring an emergency."

H. B. No. 668, A bill to be entitled "An Act fixing the compensation of employees, deputies and assistants of certain designated District, County, and Precinct Officers in counties having a population in excess of three hundred thousand (300,000) inhabitants according to the last preceding or any future Federal Census, and providing for the minimum salary to be paid to such employees, deputies and assistants; providing the method and means by which said employees, deputies and assistants shall be compensated; providing for an increase in the compensation of said employees, deputies and assistants, and the method and means by which said employees, deputies and assistants shall be additionally compensated; making this Act cumulative of all existing legislation which is not in conflict herewith affecting salaries of said employees, deputies and assistants; repealing all laws and parts of laws in conflict herewith to the extent of such conflict only; providing that if any section or part of this Bill is found to be unconstitutional or invalid, that the rest of said Acts shall not thereby become invalid; and declaring an emergency."

H. B. No. 670, A bill to be entitled "An Act to make it unlawful to take or kill wild prairie chickens of any species for a period of five years in Cochran County, Texas; fixing penalty; providing a rule of evidence; and declaring an emergency."

H. B. No. 674, A bill to be entitled "An Act to provide for the abolition of drainage districts in all counties in this State where there shall have

been created or may hereafter be created by the Legislature, or under its authority, a flood control district or conservation or reclamation district composed of all or a portion of the territory of such counties, pursuant to the provisions and under authority VI of Section 59 of Article XVI of the Constitution whose territory includes such drainage districts; providing for the payment of the outstanding bonded and other indebtedness of such districts; authorizing and requiring actions by the Commissioners Courts; providing for elections, for the payment of outstanding bonded and other indebtedness, for the levy and collection of taxes, and declaring an emergency."

H. B. No. 678, A bill to be entitled "An Act Repealing Chapter 334, Acts of the 48th Legislature, Regular Session, 1943; prohibiting the use of a seine, strike net, shrimp trawl, gill net, or trammel net in the waters of Copano Bay west of the causeway on the main highway northeast of Rockport; permitting fishing with a pole and line, rod and reel, trot line and minnow seine not over twenty feet long; and declaring an emergency."

H. B. No. 699, A bill to be entitled "An Act making an appropriation for the purpose of erecting a monument at the grave of Mrs. Memucan Hunt; providing for the right of private donation to participate in the expense; and declaring an emergency."

H. B. No. 718, A bill to be entitled "An Act fixing the term of office of school trustees of independent school districts, heretofore created by special Acts of the Legislature, having a Board of seven trustees, part of whom are required by law to be women, and having included within their boundaries a city whose population was in excess of 220,000 as shown by the last preceding federal census; adjusting the terms of office of trustees to conform to the provisions of this Act; providing for the election of trustees of such independent school districts; providing for the filing of all vacancies in the offices of trustees of such districts; and declaring an emergency."

H. B. No. 719, A bill to be entitled "An Act conveying the title of the

State of Texas to Lot No. Four (4) in Block No. Fifty (50) in the town of Rosenberg according to the map and plat of the original town, shown of record in Volume P, page 146, of the Deed Records of Fort Bend County, Texas acquired by the State under a tax sale, to Gussie Flam, a widow, her heirs and assigns; and declaring an emergency."

H. B. No. 743, A bill to be entitled "An Act making it unlawful to take or kill raccoon or mink within a portion of Red River County for a period of one year; providing a penalty; repealing Ch. 135, p. 216, Acts Regular Session, 48th Legislature and conflicting laws, and declaring an emergency."

H. B. No. 756, A bill to be entitled "An Act to repeal Chapter 34, House Bill No. 301, Act of the 46th Legislature of the Regular Session, 1939; pertaining to trapping in Shelby County."

H. B. No. 757, A bill to be entitled "An Act making it lawful to kill any number of squirrels in Denton County, Texas, at any time; repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 759, A bill to be entitled "An Act declaring open season on fox in Denton County, Texas, and making it lawful to kill any number of fox in Denton County, Texas, at all time; repealing all laws in conflict herewith, and declaring an emergency."

H. B. 790, A bill to be entitled "An Act providing for a closed season on deer in Bastrop County for a period of five (5) years; providing a suitable penalty for violation of this Act; repealing all conflicting laws; and declaring an emergency."

H. B. No. 792, A bill to be entitled "An Act amending Article 5133, Revised Civil Statutes of Texas, 1925, to provide a change in the appointment of the Superintendent of the Girls' Training School; and declaring an emergency."

H. B. No. 795, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Titus County, Texas, and to conform the jurisdiction of the Dis-

strict Court of such County to such change; to preserve the jurisdiction and power of the County Court of Titus County, Texas, over certain final judgments rendered prior to the passage of this Act; to require the county clerk of such county to transmit all papers in pending civil and criminal cases to the District Court of said county; and to continue in effect the filing date of papers previously filed in the county court in said pending cases; to fix fees that the district clerk of such county will be authorized to charge in connection with filing all papers so transmitted to him; to provide for the County Attorney of Titus County, Texas, to represent the State in misdemeanor cases in the District Court and fixing fees; and declaring an emergency."

H. B. No. 796, A bill to be entitled "An Act repealing all local or special laws governing the taking or trapping of wild fox in Lamar County, in so far as they apply to Lamar County; and declaring an emergency."

H. B. No. 801, A bill to be entitled "An Act to amend Subsection 63, of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1935 Revision, as amended, so as to rearrange, change and provide the terms and the time of holding District Court in Val Verde, Terrell, Edwards, Kinney and Maverick Counties, Texas, constituting the 63rd Judicial District Court of Texas, validating and continuing all processes issued or served before this Act takes effect, including writs, recognizances and bonds, and making them returnable to the next term of court in said counties and district, as herein fixed; validating the summoning of grand and petit juries under the present law so as to render them available under this Act; etc."

H. B. No. 803, A bill to be entitled "An Act making it unlawful for any person to hunt, snare, kill, or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Montgomery County or any wild turkey in Grimes County for a period of five (5) years from and after the passage of this Act; providing a penalty therefor; and declaring an emergency."

H. B. No. 809, A bill to be entitled

"An Act repealing the provisions of Chapter 210, Acts 48th Legislature, Regular Session, 1943, and providing that no male person of Fayette County, Texas, shall be required to do any kind of road duty or be required to pay any head tax in lieu of such road work or duty; repealing all laws and parts of laws in conflict with the provisions of the Act; and declaring an emergency."

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### House Bill 206 on Second Reading

On motion of Senator Lanning, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

H. B. No. 206, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the Eleemosynary and Reformatory Institutions of the State of Texas for the two-year period beginning September 1, 1945; and ending August 31, 1947; and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations and declaring an emergency."

The President pro tempore laid the bill before the Senate on its second reading and passage to third reading.

Senator Lanning offered an amendment to the bill striking out all matter therein after the enacting clause and inserting in lieu thereof all matter after the enacting clause in S. B. No. 296.

The amendment was adopted; and on motion of Senator Aikin, was ordered not printed in the Journal.

House Bill No. 206 was passed to third reading.

#### House Bill 206 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 206 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Mauritz
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Knight	Vick
Lane	Weinert
Lanning	York
Martin	

## Absent—Excused

Metcalf	Stanford
Kelley	Taylor
Spears	Winfield

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Senate Bill 220 on Second Reading**

On motion of Senator Stone, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to engrossment:

S. B. No. 220, A bill to be entitled "An Act making certain emergency appropriations for the State Board of Hairdressers and Cosmetologists for the remainder of the current fiscal year ending August 31, 1945; and declaring an emergency."

The President pro tempore laid the bill before the Senate on its second reading.

The bill was read second time and was passed to engrossment.

**Senate Bill 220 on Third Reading**

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 220 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—24

Aikin	Carney
Brown	Chadick
Bullock	Crawford

Graves	Moore
Hazlewood	Parrish
Jones	Ramsey
Knight	Shivers
Lane	Spears
Lanning	Sulak
Martin	Vick
Mauritz	Weinert
Moffett	York

## Nays—1

Morris

## Absent—Excused

Kelley	Stone
Metcalf	Taylor
Stanford	Winfield

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—24

Aikin	Martin
Brown	Mauritz
Bullock	Moffett
Carney	Moore
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Knight	Vick
Lane	Weinert
Lanning	York

## Nays—1

Morris

## Absent—Excused

Kelley	Stanford
Metcalf	Taylor
Spears	Winfield

**Senate Bill 313 on Second Reading**

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to engrossment:

S. B. 313, An Act amending House Bill 131, Chapter 97, General and Special Laws of the Fortieth Legislature, First Called Session, 1927, creating the Harris County Houston Ship Channel Navigation District of Harris County, Texas; by adding a section to be known as Section 7a; providing that all proceedings, or-

ders, notices, ballots, and other matters in connection with the authorization, voting, and issuance of five million dollars (\$5,000,000) Harris County Houston Ship Channel Navigation District of Harris County, Texas, bonds voted at an election held December 19, 1944, and subsequent proceedings shall not be invalid by reason of named errors and omissions; . . . etc.; and declaring an emergency."

The President pro tempore laid the bill before the Senate on its second reading.

The bill was read second time and was passed to engrossment.

#### Senate Bill 313 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 313 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Knight	Vick
Lane	Weinert
Lanning	York
Martin	

Absent—Excused

Kelley	Stanford
Metcalf	Taylor
Spears	Winfield

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Graves
Brown	Hazlewood
Bullock	Jones
Carney	Knight
Chadick	Lane
Crawford	Lanning

Martin	Shivers
Mauritz	Stone
Moffett	Sulak
Moore	Vick
Morris	Weinert
Parrish	York
Ramsey	

Absent—Excused

Kelley	Stanford
Metcalf	Taylor
Spears	Winfield

#### House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 14, to Committee on Game and Fish.

H. B. No. 43, to Committee on Civil Jurisprudence.

H. B. No. 98, to Committee on Civil Jurisprudence.

H. B. No. 152, to Committee on Counties and County Boundaries.

H. B. No. 170, to Committee on Towns and City Corporations.

H. B. No. 231, to Committee on Game and Fish.

H. B. No. 232, to Committee on Game and Fish.

H. B. No. 257, to Committee on State Affairs.

H. B. No. 265, to Committee on Game and Fish.

H. B. No. 331, to Committee on Judicial Districts.

H. B. No. 349, to Committee on Game and Fish.

H. B. No. 351, to Committee on Game and Fish.

H. B. No. 378, to Committee on Game and Fish.

H. B. No. 385, to Committee on State Affairs.

H. B. No. 401, to Committee on Game and Fish.

H. B. No. 405, to Committee on Game and Fish.

H. B. No. 427, to Committee on Game and Fish.

H. B. No. 433, to Committee on Game and Fish.

H. B. No. 436, to Committee on Judicial Districts.

H. B. No. 488, to Committee on State Affairs.

H. B. No. 499, to Committee on Criminal Jurisprudence.

H. B. No. 502, to Committee on Insurance.

H. B. No. 507, to Committee on Counties and County Boundaries.

H. B. No. 510, to Committee on Counties and County Boundaries.

H. B. No. 542, to Committee on Counties and County Boundaries.

H. B. No. 586, to Committee on Highways and Motor Traffic.

H. B. No. 614, to Committee on State Affairs.

H. B. No. 611, to Committee on Game and Fish.

H. B. No. 615, to Committee on Education.

H. B. No. 620, to Committee on Criminal Jurisprudence.

H. B. No. 632, to Committee on Game and Fish.

H. B. No. 639, to Committee on Game and Fish.

H. B. No. 668, to Committee on Towns and City Corporations.

H. B. No. 670, to Committee on Game and Fish.

H. B. No. 674, to Committee on Counties and County Boundaries.

H. B. No. 678, to Committee on Game and Fish.

H. B. No. 699, to Committee on Finance.

H. B. No. 718, to Committee on Education.

H. B. No. 719, to Committee on Public Lands and Land Office.

H. B. No. 743, to Committee on Game and Fish.

H. B. No. 756, to Committee on Game and Fish.

H. B. No. 757, to Committee on Game and Fish.

H. B. No. 790, to Committee on Game and Fish.

H. B. No. 792, to Committee on State Institutions and Departments.

H. B. No. 795, to Committee on Counties and County Boundaries.

H. B. No. 796, to Committee on Game and Fish.

H. B. No. 801, to Committee on Judicial Districts.

H. B. No. 809, to Committee on Counties and County Boundaries.

H. B. No. 759, to Committee on Game and Fish.

H. B. No. 803, to Committee on Game and Fish.

H. B. No. 215, to Committee on Finance.

### Adjournment

On motion of Senator Martin, the Senate, at 12:15 o'clock p. m., adjourned until 10:30 o'clock a. m., Monday, April 9, 1945.

### FIFTY-FOURTH DAY

(Monday, April 9, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

\*A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 6, 1945, was dispensed with and the Journal approved.

### Leaves of Absence Granted

Senators Kelley and Spears were granted leaves of absence for today on account of important business on motion of Senator Mauritz.

### Reports of Standing Committees

Senator Carney submitted the following reports:

Austin, Texas,  
April 9, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 231, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.